(192) Department.

SERIES.

G.O. No.

382

DATED

23 - 6 - 1923

[Despatch Abstract.]

M A N G A L O R E

1st June 19[illegible]

2288 B.
L. Er ~~2036~~
6/6/23.

From

The Rev. Mother Aloysia
Correspondent Manager
St. Mary's School
Milagres MANGALORE

The Secretary to Government
Educational Department
M A D R A S

Sir,

I beg to enclose a Preliminary Statement of the events connected with the District Educational Board of South Kanara. This is not a formal Election Petition under Rule 23(1). Vide Election Rules of 2nd April 1923. This is intended only to obviate the possibility of an invalid election which is fixed for the 18th instant.

Such an interpretation of Rule 17 does not seem to have been made anywhere else.

I beg to request that you will be good enough to give us one seat on the Board for our five Secondary schools i.e. 5 Managements.

I have the honour to be,
Sir,
Your most obedient servant,

M. Aloysia

PRELIMINARY OBJECTIONS

under District Secondary Board Electoral Rules dated 2nd April 1923 (G.). No. 487 Law - Educational) No. 136. (Fort Saint George Gazette, Part I-B, 10th April 1923).

1. The Electoral Roll was made by the District Educational Officer, South Kanara on 30-4-1923 and issued in the District Gazette on 19-5-1923. Between these two dates copies were communicated to the parties.

2. The Roll gave five votes to the Managements of five Convent Girls' Secondary Schools (See Quinquennial Report of the Director of Public Instruction, Vol. II, page 42), so they are entitled to 5 votes.

3. On 7-5-1923 our Managements and staffs duly made their nomination of two candidates according to the Form prescribed.

4. After some correspondence with the St. Ann's High School (Bendore, Mangalore), the so-called Committee* decided under Rule 17 Explanation that these five schools should have only one vote, as the Supreme Head "exercises some sort of control over them in special matters."

* Enclosure I

5. The said Committee was not properly constituted. Under Rule 7, there should have been three members. But actually there were not more than two

6. The said Committee wrongly interpreted the word control (in Rule 17, Explanation) to mean any sort of control. The Rule evidently means full and immediate control amounting to actual management.

7. This led to there being only two managements in the whole District for six Girls' Schools and the

consequent impossibility of having a Nominator and Seconder required by Rule 12(1) and the prescribed printed Form of nomination. The District Educational Officer wrote on 15th and 21st May 1923 dispensing (motu proprio et certa scientia) with Nominator and Seconder, though he was told of the risk of nullity involved. This was ultra vires.

8. The said Committee, however, allows two votes to four Boys' and one Girls' Schools of the Kanarese Evangelical Mission, while admitting that they are under the same "control." (See their said Decision of 14-5-1923).

All these irregularities could have been by the obvious interpretation of "control" (Rule 17).

10. Neither the Rules, nor their previous Draft, nor the G.O. No. 24 of 5-1-1923 have been communicated to any of our Schools.

11. Other anomalies involved are reserved for the present.

M. Aloysius

Enclosure

Re. No. 118/23
15-5-1923

Office of the District Educational Officer,
South Canara.
Mangalore, Dated 15-5-1923.

From,

M. R. Ry K. Sankara Menon Avl, B.A.
District Educational Officer,
South Kanara.

To

Mother Scholastica,
St. Anne's Girls' High School,
Bendore.

Madam,

In reply to your letter No. 14 dated 14-5-1923 I have the honour to enclose herein the copy of the final decision arrived at by the revising authority who met on 14-5-'23 to finally revise the electoral rolls - published on 30-4-'23. A copy of the note giving reasons in support of the above decisions is also herewith sent.

I have the honour to be,
Madam,
Your most obedient servant,
(Sd.) K. Sankara Menon
District Educational Offic
South Kanara.

Copy forwarded to the Correspondents of the other four Con Girls' School.

(Sgd). K. Sankara Menon.
District Educational Officer,
South Kanara.

Decision of the Committee Dated 14-5-1928.

For reasons given in the note added below:-

1.(a) All the four boys' schools under the K. E. Mission will be deemed under one and the same manage[illegible] which will be allowed only a single vote for the purpose of rule No. 17. Section II. in G. O. No. 487 dated 2-4-'20.

(b) For similar reasons all the five Convent Girls' Schools managed by nuns will be considered to be under one and the same management of the Mother General of the Institute which will be allowed only a single vote for the purpose of [illegible]

Note to resolution no. 1 above.

In G. O. No. 24. dated 5-1-'23 sanctioning the formation of District Secondary Education Boards, one seat is reserved for election by managements of Secondary Schools for boys under private management and another seat by managements of Secondary Schools for Girls. In G. O. No. 487 dated 2-4-'23 it is ordered that a management will be deemed to be a single elector irrespective of the number of schools under its control (vide rule 17 Section II). The question that has to be considered and decided is whether 1 girls' and 4 boys' schools under the K. E. Mission and the 5 girls schools conducted by the nuns belonging to the Carmelite Institute should be deemed to be under separate managements or not. Dr. Benoit on behalf of the K. E. M. Schools, states that each of the K. E. Mission Secondary Schools except Kasaragod is managed by a separate manager responsible to the Mission. Mother Scholastica, on behalf of the Catholic Girls' Schools, says that each school is managed separately by its own Correspondent and Headmistress subject only to the control and direction in certain special matters of the Mother General of the Institute, viz. "the Apostolic Carmel" where she was again requested to state in detail the nature of such control and direction she writes that the Mother General also inspects each Convent to secure General uniformity just as in all well-ordered public departments, and sanctions inter-school transfers of nuns as Spiritual Superior-General on the requisition of the Superioress concerned. From the above it is clear beyond doubt that the K. E. Mission is the ultimate final authority in the case of the K. E. Mission Schools and the Mother-General of the Institute of the Apostolic Carmel in the case of Girls' schools managed by nuns. The force, if any, of the argument that each school is managed by a separate manager with more or less

wide powers altogether disappears when it is admitted that the supreme head of the Mission or the Institute exercises a ---- sort of control over the Institutions in certain general or special matters. The mere fact that the man ---- in charge with more or less wide administrative powers cannot make these institutions self-contained and fully independent. Hence it is but fair and just that each managing body should have only one vote. The electoral rolls published by the District Educational Officer on 30-4-'23 will accordingly be revised and the two above bodies allowed only one vote each.

(Sd.) K. Sankara Menon,
Dt. Educational Officer,
S. Kanara.

(Sd) N. Subba Rao,
President, Dt. Board.
S. Kanara.

(Members of the Committee)

(True Copy)
(Sd.) K. Sankara Menon.
District Educational Offr
South Kanara

True Copy.
M. Aloysius
2.6.23

South Kanara District Secondary Education Board.

Addenda and Corrigenda to the Electoral Rolls published by the District Educational Officer on 30-4-23

Electoral Rolls for Staffs of Secondary Schools for Boys under private management.

K. E. Mission H. S. ---, Mangalore.

Add the following after 115 U. Gulam Ghouse, Drill Instructor.

115(a) Mrs. Susheela Bangera, Sewing Mistress

115 (b) Mr. Ebeneza Soans, Assistant, Christian High School, Udupi.

Add the following after 135 Mrs. G. Soans (Johnes Kiarkada) Sewing Mistress. 135 (c) H. Deva Rao (H. Subba Rao) Asst

135(a) K. Sanjiva Bhat (K. Vittal Bhat) Assistant

135 (b) Raphael Barnabas (Barnabas). do.

Electoral rolls for staffs of Secondary Schools for Girls under private management.

K. E. Mission Girls' Secondary School, Balmatta.

Add after 72 Mr. A. Jaithanna (P. Jaithanna) 73 Miss D. Anna (N. Anna) Balmatta K. E. M. Girls' School, Mangalore.

St. Anne's High School, Bendore.

Add the following before 1 Sister Isabel (C. J. Saveira) St. Anne's High School, Bendore.

A. 1 Rev. Mother Scholastica, St. Anne's High School Bendore.

St. Anne's Model Secondary School, Bolar.

Delete from the list 27 Mary D'Cruz (Peter D'Cruz) St. Anne's Model Secondary School, Mangalore, and add between the Nos. 26 & 28 -

No. 27 Sister M. Amata (P. Lewis) St. Ann's Model Secondary School, Mangalore.

No. 27(a) Sister M. Lelia (J. Pereira) St. Anne's Model Secondary School, Mangalore.

Add above 24 Sister M. Beatrice (E. Fernandez) do. do.

23 A. Sister Magdaline, St. Anne's Model Secondary School, Mangalore.

Victoria Caste Girls' School, Lady Hill, Mangalore.

Delete No. 46. Sister M. Irene (Paul Fernandez) Lady Hill, Urwa, and add between Nos. 47 and 48 -

47 A. Sister M. Frances Victoria Caste Girls' School, Lady Hill.

47 B. Miss Joanna Coelho (C. M. Coelho) do. do. do.

St. Cecily's Secondary School, Udipi.

Add just above No. 54 Sister Benigna (B. Fernandez)

53 Sister Agnes St. Cecily's Girls' Secondary School, Udipi.

Electoral roll for management of schools for [illegible]

management.

The following revised electoral rolls for management of secondary Schools for Girls under private management is issued in cancellation of the electoral roll for management of Secondary Schools for Girls under private management, published by the District Educational Office, South Kanara on 30. 4. 1928.

Convent Girls' Schools.

1. Rev. Mother Aloysia St. Mary's Secondary School, Milagres.

K. E. M. Girls' Secondary School, Balmatta.

2. Miss K. Meyer, Balmatta Girls' Secondary School, Mangalore.

Office of the District Educational Officer, South Kanara.
Mangalore 14-5-1928.

K. Sankara Menon,
District Educational Officer,
South Kanara.

True Copy:
M. Aloysia
3. 6. 23

Law (Edn) Dept

C. 2288 B - From the Rev. Mother Aloysia, Correspondent, Manager, St. Mary's school, Milagres, Mangalore D. 1. 6. 23

Subject Elections to the Dt. Secondary Education Board, S. Kanara

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The interpretation of the explanation to rule 17 given by the Committee in its decision D 14. 5. 23 seems to be correct. As regards the allegation that there were only two instead of three members on the Committee, attention is invited rule 24 of the rules for election under which the D. E. O should exercise, in regard to the first election, the function assigned to the President, Dt. Secondary Education Board. The Committee was therefore properly constituted.

p. 3 of G.O No 487 Edn (Edn) 2.4.23 (F) p. 5 cf p. 2 cf

2. The number of seats to be filled by managements of girls' schools in the S. Kanara district is only one. It does not seem necessary to provide a separate seat for the 5 convent girls' schools. Draft declining to comply with the Correspondent's requ-

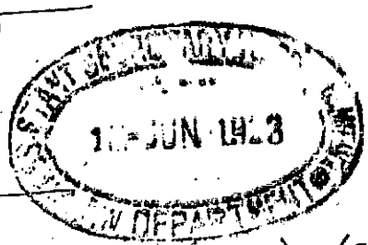
p. 7 of G.O No 24 5.1.23 (E)

is submitted for approval.

SJ
6.6.23

TK
6.6.23

he cannot say whether the interpretation of the Committee of Rule 17 was correct or not. The committee was validly constituted and its decision under rule 9 is final. The committee have decided that the five schools are under one management. We may say that the Committee's decision is final under Rule 9 & that it ~~was~~ validly constituted with reference to Rule 24.



As regards separate representation for the five schools [of the Carmelite Institute] the request is inadmissible. It is stated that there are only six secondary schools for girls under private management in the Dt., and according to the decision of the Committee there will only be two voters in the electorate for one seat. It has already been decided in G.O. Nos 636-638, 4.5.23, in respect of a similar case which arose in Cuddapah that when the managements desire to stand for the seat, the successful candidate should be determined by lot. There is therefore no difficulty.

Draft for approval
17.6.23

M 3 00 21/6/23 20/6/23

belonging to the Carmelite Institute

para 7 page 2 ante

Office
Please put up the case of this type in which another candidate was nominated when

Please see G.O. No. 636 Con 3, 4-5-23 put up.

(D) On the petition received by him, the Hon'ble Minister has ordered that the file may be put up when nominations are considered.

JK
15.6.

Sect. II-1b (a)—48,962—2-2-22. (6)

Law (Secn) DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.	21/6	
When copied ..	21/6	
When examined ..	22/6	
When signed ..	22/6	
When despatched ..		

D.ⁿ Secondary Education Board

Kanara — five Convent girls' schools — management — separate representation — declined

READ AGAIN G.O. No. ....., dated ..... 192 .

" " " " ....., " ..... 192 .

READ ALSO;—

C. No. 2288 From the ....., dated 192

" " ..... " " ..... " ....., " 192

" " ..... " " ..... " ....., " 192

ORDER.

No. 882, dated 23. 6. 192?

mis

p. 3 of Govt No. 487 2.4.23 (F)

The Govt consider that the decision of the Executive ~~in interpretation of the explanation~~ is final under rule 9 of the ~~to rule 11 of the rules for the~~ election of members to the Constituted under rule 24 ~~Secondary Education Boards~~ by the managements of secondary schools given by the Remaining Authority Constituted in connection with elections to the D.ⁿ Secondary Education Board, S. Kanara, is correct.

2 The Govt are unable to comply with the request of the last respondent manage

St. Mary's School, Milagres, Mangalore, that a separate ~~rep~~ be provided on the D.E. Secondary Education Board, S. Kanara, for the management of the five Convent girls' secondary schools in the D.E.

Ys
6.6.23

20/6/23

SK
L.L. 1/2

20 JUN 1923

To

The Rev. Mother Aloysia,
Correspondent Manager
St. Mary's School,
Milagres. Mangalore
(with reference to her
letter dy 1.6.23)

Copy to the D.E.O.